

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SHAWN A. STEWART,

Defendant.

8:04CR444

ORDER

Defendant Shawn A. Stewart appeared before the court on September 28, 2009 for a detention hearing regarding the Petition for Warrant or Summons for Offender Under Supervision [33]. The defendant was represented by CJA Panel Attorney Deborah D. Cunningham and the United States was represented by Assistant U.S. Attorney Martin J. Conboy. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. The government's oral motion for detention is granted;
2. The defendant, Shawn A. Stewart, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of September, 2009.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge